

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALEXANDER LUND,

Plaintiff,

vs.

MICHAEL MATTHEWS, M.D.,
SIDNEY MEDICAL ASSOCIATES,
and CHEYENNE COUNTY
HOSPITAL ASSOCIATION, INC.,

Defendants.

8:13CV144

ORDER

This matter is before the court upon notification that the parties disagree about the appropriate location for trial. The plaintiff initially designated Omaha as the place of trial in the complaint. **See** Filing No. 1 p. 9. The defendants Michael Matthews, M.D., and Cheyenne County Hospital Association, Inc. made a request for place of trial in North Platte, Nebraska, as part of their Answer. **See** Filing No. 8 p. 3. This case is currently designated for trial in Omaha, Nebraska, based upon the plaintiff's request. **See** NECivR 40.1(c).

Pursuant to the local rules:

The plaintiff at the time of filing a complaint in a civil action . . . must request in writing trial in Omaha, Lincoln, or North Platte. Each defendant . . . at the time of filing that defendant's first pleading in a civil action . . . may file a written request for trial at Omaha, Lincoln, or North Platte. A request for a place different from that requested by the plaintiff . . . must be filed as a motion. Any other party then has 14 days to respond.

NECivR 40.1(b) (emphasis added).

The defendants did not file the request as a motion. Under the circumstances, the court will allow the defendants an opportunity to file a motion requesting a different location for trial, with a brief and any necessary evidence as required pursuant to NECivR 7.1. Accordingly,

IT IS ORDERED:

1. The defendants shall have to **on or before November 20, 2013**, to file a motion requesting a change in the place of trial for this matter. Otherwise, the case will remain designated for trial in Omaha, Nebraska.

2. The plaintiff shall have to **on or before December 4, 2013**, to file a response.

Dated this 14th day of November, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge